CLERK'S COPY.

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 123

HARVEY S. ADAMS, RECEIVER, PENN NATIONAL BANK AND TRUST COMPANY OF READING, PENNSYLVANIA, PETITIONER,

vs.

GENEVA M. NAGLE, RALPH S. HILL, JAMES H. PENGELLY AND WILLIAM M. MAYER

No. 124

HARVEY S. ADAMS, RECEIVER, READING NATIONAL BANK AND TRUST COMPANY OF READING, PENNSYLVANIA, PETITIONER,

vs.

J. EDWIN TOBIAS, RALPH S. HILL AND OSCAR P. SMITH

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR CERTIORARI FILED JUNE 8, 1937.

CERTIORARI GRANTED OCTOBER 11, 1937.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. 123

HARVEY S. ADAMS, RECEIVER, PENN NATIONAL BANK AND TRUST COMPANY OF READING, PENNSYLVANIA, PETITIONER,

vs.

GENEVA M. NAGLE, RALPH S. HILL, JAMES H. PENGELLY AND WILLIAM M. MAYER

No. 124

HARVEY S. ADAMS, RECEIVER, READING NATIONAL BANK AND TRUST COMPANY OF READING, PENNSYLVANIA, PETITIONER,

vs.

J. EDWIN TOBIAS, RALPH S. HILL AND OSCAR P. SMITH

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

INDEX.

	Original	Print
Record from D. C. U. S., Eastern Pennsylvania	1	1
No. 8525, December Term, 1934		
Docket entries	1	1
Bill of complaint	3	3
Exhibit A—Agreement, dated February 17, 1933	15	11
Exhibit B—Supplemental agreement, dated February 20, 1933	18	13
Exhibit C—Assessment upon shareholders	20	14

JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., OCTOBER 19, 1937.

—1737

	Original	Print
Record from D. C. U. S., Eastern Pennsylvania—Continued.		
Duplicate original subpœna	21	15
Motion to dismiss bill of complaint	22	16
Motion to quash process	26	19
Appearance of counsel	27	20
Opinion (sur motion to dismiss bill of complaint), Kirkpatrick, J.	27	20
Motion for leave to file amendment to bill of complaint	30	22
Stipulation re motion to dismiss	32	24
Opinion (sur motion to amend bill of complaint, motion to quash process and reargument sur motion for preliminary injunction)	33	24
Order sustaining motion to dismiss and denying motion for preliminary injunction	35	25
Order directing that opinion of court stand as its findings of fact and conclusions of law	36	26
Order allowing amendments to bill of complaint nunc pro tunc as of June 25, 1935	36	27
Assignments of error	37	27
Petition for appeal and order allowing same	40	29
Citation and stipulation re service	41	30
Stipulation and order of consolidation	42	31
Præcipe for record	44	32
No. 8527, December Term, 1934		
Docket entries	46	34
Bill of complaint	48	35
Exhibit A—Agreement, dated February 17, 1933	60	44
Exhibit B—Supplemental agreement, dated February 20, 1933	63	46
Exhibit C—Assessment upon shareholders	64	47
Subpœna in equity	65	48
Motion to dismiss bill of complaint	67	49
Motion to quash process	70	51
Appearance of counsel	71	52
Opinion (sur motion to dismiss bill of complaint), Kirkpatrick, J.	71	53
Motion for leave to file amendment to bill of complaint	72	53
Stipulation re motion to dismiss	74	54
Opinion (sur motion to amend bill of complaint, motion to quash process and reargument sur motion for preliminary injunction)	74	55
Order sustaining motion to dismiss and denying motion for preliminary injunction	75	55
Order directing that opinion of court stand as its findings of fact and conclusions of law	76	56
Order allowing amendments to bill of complaint nunc pro tunc as of June 25, 1935	76	56
Assignments of error	76	56
Petition for appeal and order allowing same	80	59
Citation and stipulation re service	81	60

	Original	Print
Record from D. C. U. S., Eastern Pennsylvania—Continued.		
Stipulation and order of consolidation	82	61
Præcipe for record	84	62
Certificate of clerk.....(omitted in printing)..	85	
Proceedings in U. S. C. C. A., Third Circuit	87	65
Minute entry of argument and submission	87	65
Opinion, Davis, J.	88	66
Dissenting opinion, Buffington, J.	95	72
Judgment, Case No. 5949	99	74
Judgment, Case No. 5950	100	75
Petition for rehearing.....(omitted in printing)..	101-112	
Orders denying petition for rehearing	114	76
Clerk's certificate	116	77
Orders allowing certiorari	117	78

[fol. 1]

IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DECEMBER TERM, 1934

No. 8525

GENEVA M. NAGLE, RALPH S. HILL, JAMES H. PENGELLY and WILLIAM M. MAYER,

vs.

J. F. T. O'CONNOR, Comptroller of the Currency, and WILLIAM H. McGOWAN, Rec'r of Penn National Bank & Trust Co. of Reading

DOCKET ENTRIES

Feb. 23, 1935. Bill of Complaint filed.

Feb. 23, 1935. Subpœna exit—returnable March 15, 1935.

Feb. 23, 1935. Duplicate original subpœna exit—returnable March 15, 1935.

Mar. 5, 1935. Motion for Preliminary Injunction filed.

Mar. 5, 1935. Injunction affidavits filed.

Mar. 5, 1935. Decree fixing time for hearing on motion for preliminary injunction filed.

Mar. 5, 1935. Subpœna returned "served on February 27, 1935" and filed.

Mar. 5, 1935. Duplicate original subpœna returned "Served on February 27, 1935" and filed.

Mar. 8, 1935. Motion to dismiss bill of complaint by Wm. R. McGowan, Received, etc. filed.

[fol. 2] Mar. 8, 1935. Appearance of Chas. W. Matten and Harry R. Matten, Esqs., for Wm. R. McGowan etc. filed.

Mar. 8, 1935. Motion by J. F. T. O'Connor, Comptroller etc. to quash subpœna, filed.

Mar. 8, 1935. Appearance de bene esse of Chas. W. Matten and Harry R. Matten, Esqs., for J. F. T. O'Connor, Comptroller etc. filed.

Mar. 9, 1935. Affidavit of service of copies of motion to dismiss and motion to quash etc. filed.